2. The Grievance Officer will review all grievances for proper time limits and necessary information. A grievance that is untimely, incomplete or otherwise improperly submitted will be returned to the inmate with an explanation of why it is being returned.

3. The Grievance Officer will conduct an investigation and complete the Grievance Officer's report portion of the **Inmate Grievance** Form.

4. The investigation by the Grievance Officer and his/her report and recommendation will be completed and delivered to the Warden for review within twenty (20) working days from receipt of the inmate's grievance.

C. Warden's Decision:

1. The Warden will note the date of receipt of all grievances on the grievance form.

2. Any disposition recommended by the Grievance Officer may be approved, disapproved or modified by the Warden.

3. Upon receipt of the grievance, the Warden shall determine if the grievance is one that challenges a general policy or procedure of the institution or the Department as a whole or the effectiveness or credibility of the grievance procedure.

4. The Warden will review the grievance, along with any comments from inmates and staff, and make a decision within fifteen (15) working days of receipt of the grievance by the Warden.

5. The Warden may, but is not required to, meet with the grievant prior to making a decision.

6. The inmate shall be informed in writing of the Warden's decision on the grievance, within the same fifteen (15) working days of receipt of the grievance by the Warden. Inmates will also be informed of their right to appeal this decision and the method by which they may appeal the decision.

7. The date the decision is submitted to the inmate will be noted on the grievance form.

8. If the grievant is awarded any relief, the Warden shall assign one or more specific personnel the duty to implement the relief granted within a reasonable period of time.

D. Appeal Process:

1. If an inmate is not satisfied with the decision of the Warden, the inmate may appeal that decision to the Office of the Secretary of Corrections within seven (7) calendar days of receiving the decision from the Warden.

   a. The inmate may appeal by completing the appeal portion of the **Inmate Grievance** Form and mailing or placing the form in an institutional mailbox, a designated Grievance Box or by delivering it in person to the Grievance Officer for processing to Central Office.

2. The Grievance Officer will note the date of receipt of the appeal portion of the Inmate Grievance Form.

3. The Grievance Officer will attach all relevant materials to the appeal and deliver the appeal to the Administrator within five working days of the date of receipt of the appeal portion of the **Inmate Grievance** Form.

4. The Grievance Administrator will note the date of receipt of the appeal portion of the **Inmate Grievance** Form.

5. The Grievance Administrator will conduct any further investigation necessary and present a recommendation to the Secretary or designee, within twenty-five (25) calendar days of receiving the appeal portion of the grievance. Institutional/prison administrators and employees are prohibited from interfering with or otherwise attempting to influence the review by the Grievance Administrator.

6. The Secretary or designee will render a final decision on the grievance within ten calendar days of receipt of the appeals portion of the Inmate Grievance Form.

7. The inmate will be informed in writing of the final decision on the grievance. A brief and clear description of the reasons for the final decision should accompany the inmate notification. Copies of this notification will be forwarded to the Warden and Grievance Officer at the institution.

8. If the grievant is awarded any relief, the Secretary or designee shall assign one or more specific personnel the duty to implement the relief granted within a reasonable period of time.

E. Misuse/Abuse of the Grievance Procedure:

Inmates are prohibited from the misuse/abuse of the grievance system. Inmates are not to use this procedure as a form of harassment against staff. Such grievances will be denied.

Inmates using the grievance procedures to perpetrate the commission of a purposeful misconduct will be subject to disciplinary action consistent with current disciplinary policy provisions.

F. Record Keeping and Periodic Evaluation:

Records regarding the filing and disposition of all grievances will be collected and maintained systematically by the Grievance Officer at each institution as follows:

1. A status log showing the name and number of the grievant, grievance number, date of initial submission, description of the grievance, disposition of the grievance, etc. will be maintained for tracking each level of all grievances.

2. All institutions will use the **Emergency Grievance Status Log** Attachment *(CD-150501.A)* and the **Miscellaneous Grievance Status Log** Attachment *(CD-150501.B)* accordingly. No revisions by the institution are permitted.

3. The logs will be forwarded to the Grievance Administrator monthly for data collection purposes. The Grievance Administrator will compile monthly summaries of the information contained in the institutional logs. Summaries will include information on the number and types of grievances, disposition of grievances, remedies granted and compliance with time limits at each level. The **Grievance Statistic Log** Attachment *(CD-150501.C)* shall be utilized for this purpose.

4. In January of each year, the Grievance Administrator shall evaluate the grievance procedure by reviewing the monthly summaries, a representative sample of grievances and their disposition at each level and any other appropriate material to determine the extent of compliance with this policy. The Grievance Administrator shall prepare an annual report and submit it to the Director of Adult Prisons Division by January 31 of each year.

5. Copies of each completed grievance will be maintained for a minimum of three years following final disposition of the grievance.

6. No copies of grievances or adverse reference to any grievance will be placed in an inmate's institutional file unless a part of a finding of a disciplinary packet.

G. Confidentiality:

All correspondence marked "Grievance" and addressed to the Grievance Officer, Deputy Warden or Warden will be treated as strictly confidential. Records regarding the participation of an individual in legitimate grievance proceedings will be kept in a locked office or file cabinet and shall not be available to employees or other inmates, except to the extent necessary for clerical processing or legal defense. Only employees who are participating in the disposition of a legitimate grievance will have access to records essential to the resolution of the grievance.

Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

01/25/12
Date

Form CD-150501.1
Revised 01/25/12 Page 1

NEW MEXICO CORRECTIONS DEPARTMENT
INMATE GRIEVANCE

Inmate's Name: ______________________ NMCD#: __________ Grievance File #: _______

Institution: ________________ Housing Unit: _____________ Date of Incident: __________

Date Received by Grievance Officer: __________

Grievance Officer's Signature: __________________________________

INSTRUCTIONS: It is expected that problems be resolved in an informal manner. Please read policy/procedure *CD-150500* before filing a grievance. Your grievance must be typed or clearly written so as to be readable after photocopying. The grievance must be filed with the Institutional Grievance Officer to be valid. Copies sent elsewhere will be considered informational copies only, not requiring a response.

STEP 1 - Grievance: Include documentation and names of any witnesses to support your claim. For your grievance to be accepted, you must state the relief requested. Use additional pages, if necessary.

Inmate's Signature: _________________________________ Date: ___________________

Relief Requested:

STEP 2 – To Be Completed by the Grievance Officer:

A. __Your grievance is **accepted** for consideration.
B. __Your grievance is **being returned** to you because of the following reason:
   __ 1. The grievance is not readable.
   __ 2. The matter has been answered in previous grievance #: ________________
   __ 3. The grievance concerns material not grievous under present policy.
   __ 4. The grievance is a group grievance or petition. (Submit individually.)
   __ 5. The grievance is not timely.
   __ 6. Other Specify: ____
   ____

Grievance Officer's Signature: ______________________________ Date: ______________

Form CD-150501.1
Revised 01/25/12 Page 2

NEW MEXICO CORRECTIONS DEPARTMENT
INMATE GRIEVANCE

Grievance File #: ____________

STEP 3 – Grievance Investigation and Recommendation:

_______________________________________ ____________
Grievance Officer's Signature Date

STEP 4 – Decision of Warden/Designee: Date received by Grievance Officer: ____________

Denied ( ) Granted ( ) Dismissed ( ) Resolved ( ) Referred ( )

____
____
____

Signature: _______________________________ Date: ______________

Date Returned to Inmate: ________________

STEP 5 – Departmental Appeal: (Return grievance to Grievance Officer for processing.)
A. Reason for appeal:

Inmate's Signature: ___________________________ Date: ______________

Date Received By Grievance Officer: ________________
Date Sent to Grievance Coordinator: ________________

B. Department Decision:

_______________________________________ Date: ______________
Cabinet Secretary/Designee

Form CD-150501.1
Revised 01/25/12 Page 2

NEW MEXICO CORRECTIONS DEPARTMENT
Inmate 2-Day Notice of Receipt of Grievance

Inmate's Name: ______________________ NMCD#: ____________

Grievance File #: ____________ Facility: ____________ HU: ________ Cell: ________

RE: ______________________ Issue is under Review: Yes ( ) No ( )

Date Formal Grievance Received: ____________ Date Notice of Receipt Sent: ____________

Form CD-150501.1
Revised 01/25/12 Page 2

NEW MEXICO CORRECTIONS DEPARTMENT
Inmate 2-Day Notice of Receipt of Grievance

Inmate's Name: ______________________ NMCD#: ____________

Grievance File #: ____________ Facility: ____________ HU: ________ Cell: ________

RE: ______________________ Issue is under Review: Yes ( ) No ( )

Date Formal Grievance Received: ____________ Date Notice of Receipt Sent: ____________

Form CD-150501.1
Revised 01/25/12 Page 2

NEW MEXICO CORRECTIONS DEPARTMENT
Inmate 2-Day Notice of Receipt of Grievance

Inmate's Name: ______________________ NMCD#: ____________

Grievance File #: ____________ Facility: ____________ HU: ________ Cell: ________

RE: ______________________ Issue is under Review: Yes ( ) No ( )

Date Formal Grievance Received: ____________ Date Notice of Receipt Sent: ____________

Form CD-150501.1
Revised 01/25/12 Page 2

NEW MEXICO CORRECTIONS DEPARTMENT
Inmate 2-Day Notice of Receipt of Grievance

Inmate's Name: ______________________ NMCD#: ____________

Grievance File #: ____________ Facility: ____________ HU: ________ Cell: ________

RE: ______________________ Issue is under Review: Yes ( ) No ( )

Date Formal Grievance Received: ____________ Date Notice of Receipt Sent: ____________

Form CD-150501.3
Revised 01/25/12 Page 1

NEW MEXICO CORRECTIONS DEPARTMENT

INMATE INFORMAL COMPLAINT

Inmate Name: ______________________ NMCD#: __________

Facility: __________ HU/Cell #: ________ Date of Incident: __________

Name of subject or person to whom the complaint was filed against: ______________
____

Explain your complaint in detail: ______________________________
____
____
____

Inmate Signature: ______________________ Date: __________

- -

Reviewing Staff Member

Date Received:__________

I, ______________________ have reviewed the above informal complaint and
Reviewing Staff Member

Recommend: ( ) Resolution ( ) Recommend formal grievance

Explain: ____
____
____
____

Staff Member: __________ / __________ Date: __________
Print / Sign

- -

Acknowledged by the signatures below, this informal complaint is: ☐ **Resolved** ☐ **Unresolved**

Reviewing Staff Member: __________ / __________ Date: __________
Print / Sign

Staff Witness: __________ / __________ Date: __________
Print / Sign

Inmate: __________ / __________ Date: __________
Print / Sign

If this informal complaint could not be resolved, the inmate may pursue a formal grievance within 20 calendar days of the date of incident.

Attach this document to the Formal Grievance.

Attachment CD-150501.A
Revised 01/25/12

New Mexico Corrections Department

Emergency Grievance Status Log

Inmate Name	NMCD #	File # CMIS #	Subject	Date/Time Received	Date/Time Sent To Medical	Date/Time Warden's Action	Date/Time Returned to Inmate	Date Inmate Appealed	Date to Coordinator	Date & Action – (A / D) of Secretary/Designee

Attachment CD-150501.B
Revised 01/25/12

New Mexico Corrections Department
Miscellaneous Grievance Status Log

Inmate Name	NMCD #	Cell #	File # CMIS #	Subject	Date/Time Received	Date of G. O. Recommend-ation	Date & Warden's Action - (A/D)	Date Returned to Inmate	Date Inmate Appealed	Date to Coordinator	Date & Action – (A / D) of Secretary/Designee

Attachment CD-150501.C
Revised 01/25/12

New Mexico Corrections Department
Grievance Monthly Statistic Log

Inmate Grievances	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Abuse / Threats													
Classification													
Commissary / Canteen													
Communication													
Complaints Against Staff													
Discipline /Disciplinary													
Discrimination													
Food Service													
Inmate Finances													
Inmate on Inmate Sexual Misconduct													
Institutional Operations													
Institutional Programs													
Laundry													
Legal													
Mail Service / Mail Room													
Medical / Health Care													
Medical Emergency													
Mental Health													
Posted / Unit Rules													
Property / Searches													
Protection / Well Being / Ad-Seg													
Quality of Life													
Records													
Recreation													
Staff on Inmate Sexual Misconduct													
Transfer													
Visiting													
Other (Religion, etc)													
Monthly Totals													
Rejected Grievances													
Forwarded to other facility													
Withdrawals of Grievances													
Subtotals													
Total Granted													
Total Resolved													
Total Denied													
Appeals													
Granted													
Resolved													
Denied													

Exhibit B

STATE OF NEW MEXICO)
ss)
COUNTY OF SANTA FE)

SECOND AFFIDAVIT OF STEVE MADRID

I, STEVE MADRID, being duly sworn upon my oath, hereby state the following.

1. I am an employee of the New Mexico Corrections Department (NMCD) and serve as a Grievance Appeals Coordinator in Santa Fe, New Mexico.

2. In my capacity as Grievance Appeals Coordinator, I have access to all inmate grievance information maintained on the Criminal Management Information System (CMIS) and all inmate grievance appeals records maintained centrally by NMCD – which are the Level 5 appeals that are the last possible appeal in the administrative grievance process according to NMCD's Inmate Grievance policy, NMCD Policy 150500/150501.

3. I have search the CMIS records for Level 5 grievances filed by Frank Latham, Inmate #68213, since 2012 up to the present date. There are none, which means Inmate Latham has filed no Level 5 grievances since 2012 and has not exhausted the administrative grievance process on any issue.

4. I have searched CMIS for grievances that Inmate Latham may have filed, but not pursued to exhaustion. The attached printout from CMIS indicates that Inmate Latham did initiate four grievances between September 28, 2012 and January 15, 2013. **See Attachment 1.** There is very limited information available CMIS. For example, CMIS does not contain copies of the grievances themselves, and has only a very brief description of the nature of the grievance, and date. Three of the grievances appear to have concerned allegations of harassment and/or retaliation by staff while Inmate Latham was incarcerated at the Guadalupe County Correctional Facility (GCCF). The fourth grievance appears to have concerned inadequate medical care at

GCCF. I am attaching as **Attachment 2** a printout showing the history of Inmate Latham's facility placements from approximately 2012 to the present, and which shows that Inmate Latham was incarcerated at GCCF when he initiated those grievances.

5. CMIS would indicate if Inmate Latham pursued any of the four grievances he initiated in 2012 and 2013 to exhaustion, which he did not do.

6. Inmates may pursue issues and concerns regarding medical and health care through NMCD's inmate grievance process. In other words, medical and health care are grievable issues, as demonstrated by Inmate Latham's January 15, 2013 grievance.

7. If Inmate Latham had exhausted any grievance, then there would be a copy of the entire grievance file in the Central Office files at Santa Fe. The Central Office does not receive a copy of the grievance unless and until the inmate makes a Level 5 appeal. If Inmate Latham had pursued any of his grievances to Level 5, there would be a copy retained in Central Office files. Since he did not do so, there are no copies in the Central Office files.

8. To the best of my knowledge and belief, Inmate Latham has not been discouraged from initiating, pursuing or exhausting grievances.

FURTHER AFFIANT SAYETH NAUGHT

[signature]
STEVE MADRID

Subscribed and sworn to before me by Steve Madrid on this 9 day of December, 2016.

[signature]
Notary Public

My commission expires 10/19/2018

Grievance Number	NMCD #	Offender Number	Name	Received Date	Subject
25188	68213	465322	LATHAM, FRANK	09/28/2012	STAFF/HARRASSMEMT
Description	SR-12-09-34 INMATE CLAIMS HE IS CONSTANTLY HARRASED BY OFFICER GUTIE				
25307				11/01/2012	STAFF/HARRASSMEMT
Description	SR-12-11-01 INMATE CLAIMS THAT HE IS BEING RETALIATED AGAINST				
25308				11/01/2012	STAFF/HARRASSMEMT
Description	SR-12-11-02 INMATE CLAIMS THAT HE IS BEING HARRASED BY STAFF				
25713				01/15/2013	MEDICAL
Description	SR-13-01-36/ ACCEPTED INMATE CLAIMS HE DOESNT RECEIVE MEDICAL CARE. (				

B-0005

Modify Grievance Detail (w_dio_s4_2 1.1)

NMCD #	Offender Number	Name	Grievance Number
68213	465322	LATHAM, FRANK	25188

Subject: STAFF/HARRASSMEMT

Location: GCCF

Grievance Description

SR-12-09-34 INMATE CLAIMS HE IS CONSTANTLY HARRASED BY OFFICER GUTIERREZ AND OFFICER MAESTAS

By gccf0436 10/31/2012

Level 1

Received Date	Received At	Forwarded Date	Forwarded To
09/28/2012	GCCF GRVNCE COORD	09/28/2012	

Due Back Date	Returned Date	Response Sent to Inmate Date	File Location
09/29/2012	09/29/2012	10/31/2012	GCCF GRVNCE COORD

Grievance Disposition: RESOLVED

By gccf0436 10/31/2012

Level 1 (selected) | Level 2 | Level 3

OK | Cancel

Modify Grievance Detail (w_dio_s4_2 1.1)

NMCD #	Offender Number	Name	Grievance Number
68213	465322	LATHAM, FRANK	25307

Subject: STAFF/HARRASSMEMT

Location: GCCF

Grievance Description

SR-12-11-01 INMATE CLAIMS THAT HE IS BEING RETALIATED AGAINST

By gccf0436 12/07/2012

Level 1

Received Date	Received At	Forwarded Date	Forwarded To
11/01/2012	GCCF GRVNCE COORD	11/01/2012	

Due Back Date	Returned Date	Response Sent to Inmate Date	File Location
11/02/2012	11/02/2012	12/04/2012	GCCF GRVNCE COORD

Grievance Disposition: RESOLVED

By gccf0436 12/07/2012

Level 1 (selected) Level 2 Level 3

OK Cancel

Modify Grievance Detail (w_dio_s4_2 1.1)

NMCD # 68213
Offender Number 465322
Name LATHAM, FRANK
Grievance Number 25308

Subject STAFF/HARRASSMEMT
Location GCCF

Grievance Description
SR-12-11-02 INMATE CLAIMS THAT HE IS BEING HARRASED BY STAFF

By gccf0436 12/07/2012

Level 1

Received Date 11/01/2012
Received At GCCF GRVNCE COORD
Forwarded Date 11/01/2012
Forwarded To

Due Back Date 11/02/2012
Returned Date 11/02/2012
Response Sent to Inmate Date 12/04/2012
File Location GCCF GRVNCE COORD

Grievance Disposition RESOLVED

By gccf0436 12/07/2012

Level 1 (selected) Level 2 Level 3

OK Cancel

Modify Grievance Detail (w_dio_s4_2 1.1)

NMCD # 68213
Offender Number 465322
Name LATHAM, FRANK
Grievance Number 25713

Subject MEDICAL
Location GCCF

Grievance Description
SR-13-01-36/ ACCEPTED INMATE CLAIMS HE DOESNT RECEIVE MEDICAL CARE.
GRIEVANCE WAS RESOLVED.

By gccf0458 04/10/2013

Level 1

Received Date 01/15/2013
Received At GCCF GRVNCE COORD
Forwarded Date 01/15/2013
Forwarded To

Due Back Date 01/25/2013
Returned Date 03/04/2013
Response Sent to Inmate Date 03/04/2013
File Location GCCF GRVNCE COORD

Grievance Disposition RESOLVED

By gccf0458 04/10/2013

Level 1 (selected) Level 2 Level 3

OK Cancel

Body Location Description	Reason	Begin Date	End Date	Days
PNM NORTH FACILITY	MOVE/PRISON HOUSIN	12/6/2016		
TO PNM	MOVE/PRISON HOUSIN	12/6/2016	12/6/2016	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	12/6/2016	12/6/2016	0
TO PNM	MOVE/PRISON HOUSIN	12/6/2016	12/6/2016	0
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	4/6/2016	12/6/2016	245
TO CENTRAL NMCF	MOVE/PRISON HOUSIN	4/6/2016	4/6/2016	1
NORTHEAST NM DET FAC	MOVE/PRISON HOUSIN	12/8/2015	4/6/2016	121
TO NORTHEAST NM DF	MOVE/PRISON HOUSIN	12/8/2015	12/8/2015	1
WESTERN NM COR FAC	MOVE/PRISON HOUSIN	10/20/2015	12/8/2015	50
TO WESTERN NMCF	MOVE/PRISON HOUSIN	10/20/2015	10/20/2015	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	8/6/2015	10/20/2015	76
UNM HOSPITAL ABQ	MOVE/PRISON HOUSIN	8/5/2015	8/6/2015	2
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	5/5/2015	8/5/2015	93
UNM HOSPITAL ABQ	MOVE/PRISON HOUSIN	5/5/2015	5/5/2015	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	5/5/2015	5/5/2015	0
UNM HOSPITAL ABQ	MOVE/PRISON HOUSIN	5/4/2015	5/5/2015	2
WESTERN NM COR FAC	MOVE/PRISON HOUSIN	4/2/2015	5/4/2015	33
TO WESTERN NMCF	MOVE/PRISON HOUSIN	4/2/2015	4/2/2015	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	2/20/2015	4/2/2015	42
TO CENTRAL NMCF	MOVE/PRISON HOUSIN	2/20/2015	2/20/2015	1
WESTERN NM COR FAC	MOVE/PRISON HOUSIN	2/9/2015	2/20/2015	12
NORTHEAST NM DET FAC	MOVE/PRISON HOUSIN	1/21/2015	2/9/2015	20
TO NORTHEAST NM DF	MOVE/PRISON HOUSIN	1/20/2015	1/21/2015	2
LEA COUNTY CORR CNTR	MOVE/PRISON HOUSIN	5/2/2014	1/20/2015	264
TO LEA COUNTY CF	MOVE/PRISON HOUSIN	5/2/2014	5/2/2014	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	5/1/2014	5/2/2014	2
TO LEA COUNTY CF	MOVE/PRISON HOUSIN	5/1/2014	5/1/2014	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	11/21/2013	5/1/2014	162
TO LEA COUNTY CF	MOVE/PRISON HOUSIN	11/21/2013	11/21/2013	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	11/2/2013	11/21/2013	20
LEA COUNTY CORR CNTR	MOVE/PRISON HOUSIN	1/24/2013	11/2/2013	283

Body Location Description	Reason	Begin Date	End Date	Days
TO LEA COUNTY CF	MOVE/PRISON HOUSIN	1/24/2013	1/24/2013	1
GUADALUPE CO CORR CNTF	MOVE/PRISON HOUSIN	12/13/2011	1/24/2013	409
TO GUADALUPE COUNTY CF	MOVE/PRISON HOUSIN	12/13/2011	12/13/2011	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	1/12/2011	12/13/2011	336
UNM HOSPITAL ABQ	MOVE/PRISON HOUSIN	1/2/2011	1/12/2011	11
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	6/4/2010	1/2/2011	213
TO CENTRAL NMCF	MOVE/PRISON HOUSIN	6/4/2010	6/4/2010	1
GUADALUPE CO CORR CNTF	MOVE/PRISON HOUSIN	5/25/2010	6/4/2010	11
TO GUADALUPE COUNTY CF	MOVE/PRISON HOUSIN	5/25/2010	5/25/2010	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	5/20/2010	5/25/2010	6
TO SOUTHERN NMCF	MOVE/PRISON HOUSIN	5/20/2010	5/20/2010	1
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	5/18/2010	5/20/2010	3
TO LEA COUNTY CF	MOVE/PRISON HOUSIN	5/18/2010	5/18/2010	1
CENTRAL MAIN FAC	RDC INTAKE	4/22/2010	5/18/2010	27
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	4/22/2010	4/22/2010	1
DONA ANA CO ADULT DET	RETURN FOR SENTEN(	4/28/2008	4/22/2010	725
CENTRAL MAIN FAC	RDC INTAKE	4/8/2008	4/28/2008	21
CENTRAL MAIN FAC	MOVE/PRISON HOUSIN	4/8/2008	4/8/2008	1
DONA ANA CO ADULT DET	ARRESTED	7/11/2007	4/8/2008	273

Exhibit C

STATE OF NEW MEXICO)
ss)
COUNTY OF VALENCIA)

AFFIDAVIT OF MARK DELGADO

I, MARK DELGADO, being duly sworn upon my oath, hereby state the following:

1. I am the Health Services Administrator for Centurion Health Care (Centurion), the current contractual medical services provider for the New Mexico Corrections Department (NMCD), assigned to the Central New Mexico Correctional Facility (CNMCF), a prison facility in Los Lunas, New Mexico operated by NMCD. Centurion has had the medical services contract since June 2016. For about five years prior to that time, the medical services contract provider was Corizon Healthcare (Corizon). I was also the Health Services Administrator at CNMCF, for Corizon, from May 3, 2009 through March 1, 2014. I retired in March 2014, but returned to work at the request of NMCD officials in June 2016. Before my time as Health Services Administrator at CNMCF, I operated a private company which provided services such as mobile X-rays and ultrasound exams to prison facilities in New Mexico and Texas. I have a total of about forty-five years of experience in the field of providing medical support services.

2. I am familiar with Inmate Frank Latham #68213. Inmate Latham is currently housed at CNMCF.

3. Inmate Latham has made various verbal and written complaints directly to me. He has also given me copies of written complaints he has made to others, such as written complaints he has made to Judges. I try to keep copies of Inmate Latham's written complaints, which I am attaching as **Exhibit A.** I cannot guarantee that Exhibit A contains all of the written complaints I have received from Inmate Latham, but Exhibit A is at least representative of his

complaints to me. I do not keep records of Inmate Latham's verbal complaints, but I can state that his verbal complaints cover generally the same topics and issues as his written complaints.

4. I do read Inmate Latham's written complaints and listen to his verbal complaints. I have sought to resolve Inmate Latham's legitimate complaints. Some of his demands are unrealistic and/or unreasonable, as described in more detail below.

5. To the best of my knowledge and experience, Inmate Latham has never been discouraged from complaining to me or to anyone else, or from bringing grievances. We have spent considerable time attempting to resolve Inmate Latham's issues.

6. In my capacity as Health Services Administrator, I am responsible for Americans with Disabilities Act (ADA) compliance at CNMCF.

a) LTCU. There is a Long Term Care Unit (LTCU) at CNMCF. The LTCU houses inmates who require a level of ongoing medical supervision. The building which houses the LTCU was built after the ADA was enacted, and so all the inmate cells in the LTCU at CNMCF are ADA compliant. We also install additional adaptive equipment as necessary to meet the needs of individual inmates.

b) GERIATRIC UNIT. There is also a Geriatric Unit at CNMCF. The Geriatric Unit houses inmates fifty-five and older who have medical conditions, and inmates who are over age sixty-five and requite extra assistance. We have trained inmate helpers who perform non-personal care tasks for the Geriatric Unit inmates, such as pushing them in their wheelchairs to meals. Prior to March 2015, the Geriatric Unit was housed in one of the oldest buildings at CNMCF, which was built before the ADA was enacted and therefore was not designed to be ADA compliant. However, while the Geriatric Unit was housed there, the building was adapted to accommodate geriatric disabled inmates, even though not originally constructed according to ADA standards. Geriatric Unit inmates were transferred to the Mental Health Treatment Center (MHTC) "E" Unit in March 2015. This building was constructed to ADA standards, and thus the Geriatric Unit is now housed in ADA compliant cells.

7. INMATE LATHAM'S HOUSING ASSIGNMENT AND MOBILITY ISSUES. While incarcerated at CNMCF, Inmate Latham has been housed in both the LTCU and the Geriatric Unit. He is currently housed in the Geriatric Unit. He was previously housed in the LTCU. Inmate Latham can be appropriately medically housed in either the Geriatric Unit or the LTCU. However, housing him in the LTCU without the prerequisite medical conditions or physical limitations, means he is delaying or depriving another inmate of access to necessary medical care and treatment. Furthermore, Mr. Latham first arrived at CNMCF for intake on April 8, 2008 and since that date, he has been transferred a total of 36 times and has been housed at 7 different facilities for periods of time during his more than his 8 ½ year incarceration. In all his housing arrangements at CNMCF, Inmate Latham's cells have been equipped with the accessibility features he requires. As with any other inmate, there might have been some short wait for accessibility features to be installed, but his needs and complaints are assessed and whatever accessibility features he needs, are provided to him.

8. INMATE LATHAM'S CATHETER ISSUES. Inmate Latham uses catheters. I have not recently received complaints from him regarding his catheters. His catheters have been an issue in the past. At one time, Inmate Latham demanded to keep a supply of eight catheters in his cell. We did not agree to his demand, because keeping so many catheters would increase the possibility that they might be stored improperly or otherwise exposed, thus increasing the possibility of infection. We arranged for him to keep three catheters in his cell, and we replaced

them one catheter at a time as he used them. To my knowledge, Inmate Latham has always had a catheter on hand. Another issue with Inmate Latham's catheters was that he wanted a certain kind of catheter that was different than those we normally stock. We did provide him with the kind of catheter he preferred, and we ordered a supply of them for him to take with him when he was transferred to Western New Mexico Correctional Facility (WNMCF). When he later returned to our facility from WNMCF, we did not have in stock any of the catheters he preferred. We ordered them for his use. I am attaching as **Exhibit B** documentation of the special orders for Inmate Latham's catheters. So far as I am aware, there are no outstanding issues with Inmate Latham's catheters. If Inmate Latham raises any further concerns regarding his catheters, we will of course listen and respond as appropriate to the issue at that time.

9. INMATE LATHAM'S WHEELCHAIR ISSUES. Most recently, Inmate Latham has had complaints about his wheelchair needing to be repaired and/or adjusted. We have a full-time physical therapist on staff who is trained, and who frequently does, adjust and repair wheelchairs. However, Inmate Latham was insistent that our trained physical therapist could not repair his wheelchair, and he would not even allow the physical therapist to inspect the wheelchair to assess its features of perform repairs. He claimed to have been promised a new wheelchair. I found his claim dubious, as no one has authority to make such promises. We use wheelchairs as long as they are serviceable, and we repair them to serviceability. I personally sat with Inmate Latham for forty minutes, with a Correctional Officer present, trying to explain and reach resolution with him on this issue. As is typical in my dealings with him, he was unreceptive and uncooperative, and simply continued to insist that his demands be met. We did order Inmate Latham a new wheelchair, which he received on November 16, 2016. This was done not so much because his current wheelchair is unsatisfactory or unrepairable, but was done

in order to get beyond this impasse with him. He has also demanded that his name be engraved on his wheelchair and that he be provided with a new wheelchair annually. We do not plan to engrave his name on his wheelchair, as this is not something we do for other inmates. We also do not plan to order him a new wheelchair each and every year, as this is not something we do for other inmates. We fully intend to provide Inmate Latham with a serviceable wheelchair, but we cannot provide him with new wheelchairs upon demand.

FURTHER AFFIANT SAYETH NAUGHT

MARK DELGADO

Subscribed and sworn to before me by Mark Delgado on this 9th day of December, 2016.

Notary Public
My commission expires 6/24/2020

Please put This medical company As The New Health care

Centurain Health care
Doctor Mrs Doctor Bible

I need He To ~~Take~~ Be put on as The doctor of our Health care provide. I Have more in mates That will come forward How This doctor is Realy A man

Hater she is A self spoken Dike
A women Lover
Not A man Lover

Inmate Name: LaTham Frank #68213
Inmate Number:
CNMCF/CMRU/UNIT#
P.O. Drawer 1328
Los Lunas, NM 87031

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Office of the Clerk
Document Summary Page

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Case: Latham v. Corizon LLC

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Letter by Frank Latham (vv)

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